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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE: EXPERT DISCOVERY**

Judge: Hon. Beth Labson Freeman

1 WHEREAS, the Court has previously set a deadline of September 9, 2016, for the hearing
2 on any *Daubert* motions (*see* Docket No. 277 at 2);

3 WHEREAS, the parties' stipulation herein does **not** change the September 9, 2016, date for
4 *Daubert* motions;

5 WHEREAS, the parties' stipulation herein does **not** change the date by which the parties'
6 briefing will be completed on *Daubert* motions (meaning the Court will have the same amount of
7 time as previously scheduled to review the parties' completed briefing before hearing argument on
8 *Daubert* motions);

9 WHEREAS, with respect to ***expert disclosures and discovery***:

- 10 • The Court has previously scheduled that rebuttal damages expert reports are due on
11 July 8, 2016, sur-rebuttal damages expert reports are due on July 15, 2016, expert
12 discovery must close by July 22, 2016, and *Daubert* motions must be filed by
13 August 5, 2016 (*see* Docket No. 277 at 2);
- 14 • The parties agree to extend the deadline for rebuttal damages expert reports to July
15 13, 2016, given recent discovery on damages-related subject matter;
- 16 • The parties agree to extend the deadline for sur-rebuttal damages expert reports to
17 July 21, 2016;
- 18 • The parties agree to move the close of damages expert discovery to July 28, 2016;
- 19 and
- 20 • The parties do not seek to change the deadline for filing *Daubert* motions (August
21 5, 2016), nor for opposition briefs, nor for reply briefs for *Daubert* motions.

22 **THEREFORE IT IS HEREBY STIPULATED** by and between Cisco and Arista that:

- 23 • The deadline for rebuttal damages expert reports shall be July 13, 2016 (rather than
24 July 8, 2016);
- 25 • The deadline for sur-rebuttal damages expert reports shall be July 21, 2016 (rather
26 than July 15, 2016);

- The hearing dates for *Daubert* motions (September 9, 2016), shall not change;
- Any other deadlines not addressed in this stipulation shall remain unchanged.

The following table shows the effect of this stipulation as compared to previously ordered deadlines:

Event	Current Schedule (ECF No. 277)	Amendments to Current Schedule
Last day to disclose advice of counsel (Patent L.R. 3-7)	50 days after claim construction ruling	
Last day to exchange rebuttal damages expert reports	July 8, 2016	July 13, 2016
Last day to exchange sur-rebuttal damages expert reports	July 15, 2016	July 21, 2016
Close of damages expert discovery	July 22, 2016	July 28, 2016
Last day to hear dispositive motions	August 4, 2016	
Last day to file <i>Daubert</i> motions	August 5, 2016	
<i>Daubert</i> opposition briefs due	August 19, 2016	
<i>Daubert</i> reply briefs due	August 26, 2016	
<i>Daubert</i> hearing	September 9, 2016	
Last day to meet and confer before the Final Pretrial Conference (Standing Order Jury Trial Sec. A)	September 9, 2016	
Joint Pretrial Statement and Order (Standing Order Jury Trial Sec. B)	September 16, 2016	
Motions in limine (Standing Order Jury Trial Sec. B.4)	September 16, 2016	
Oppositions to Motions in limine (Standing Order Jury Trial Sec. B.4)	October 7, 2016	
Jury Trial Materials due (Standing Order Jury Trial Sec. B.5)	October 21, 2016	
Final Pretrial Conference and Hearing on Motions in limine	November 3, 2016	
Trial Briefs	November 11, 2016	
Trial	November 21, 2016	

99998-77952/8119993.1

1
2 DATED: July 1, 2016

Respectfully submitted,

3 /s/ John M. Neukom

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DATED: July 1, 2016

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/s/ David Silbert

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ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the signatory indicated by the "conformed" signature (/s/) of David Silbert within this e-filed document.

/s/ John Neukom

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 1, 2016



Hon. Beth Labson Freeman

United States District Judge